

REMARKS

Applicant has read and considered the Office Action dated January 8, 2007 and the references cited therein. Claims 24, 27, 29, 30, 32, 34, 37, 40, 41 and 42 have been amended. Claims 31 and 43 have been cancelled without prejudice or disclaimer. New claim 44 has been added. No new matter has been added. Claims 24-30, 32-42, and 44 remain pending. Reconsideration and reexamination are hereby requested.

Claim 24 has been amended and is now directed to:

“A spray dispenser assembly for the dispensing of liquids suitable for use in clean-room environments comprising

- (a) a collapsible liquid impermeable vessel having an open end comprising a neck portion provided with a collar that is more rigid than said vessel, the vessel being substantially cylindrical and having a closed, convex bottom, the vessel comprising two sheets of plastic material, a seam being provided between the two sheets of plastic material;
- (b) dispensing mechanism for extracting liquid from said vessel and dispensing the liquid as a spray; and
- (c) seal element arranged in sealing position between said dispensing mechanism and said vessel, said seal element being so arranged that:
 - (i) said collar of said vessel sealingly engages with said seal element,
 - (ii) said vessel is substantially sealed to said dispensing mechanism, and
 - (iii) the ingress of air into said vessel is substantially inhibited;

said seal element and dispensing mechanism being arranged such that said dispensing mechanism is operable to dispense liquid from said vessel while said seal element is in a sealing position.”

This corresponds to claim 24 as filed, but with further clarification including the vessel being substantially cylindrical and having a closed, convex bottom, the vessel comprising two sheets of plastic material, a seam being provided between the two sheets of plastic material. Basis for this amendment may be found at least on page 10, lines 20-25 of the International patent application as filed, in combination with Figure 1. Figure 1 clearly shows that the curved bottom 7 of the vessel is convex. The term “extraction means” has been replaced by the term

“dispensing mechanism” and the term “seal means” has been replaced by the term “seal element”. Basis for these amendments may be found in the application as filed.

Claim 40 has been amended to:

“A spray dispenser assembly for the dispensing of liquids suitable for use in clean-room environments comprising

- (a) a collapsible liquid impermeable vessel having an open end comprising a neck portion provided with a collar that is more rigid than said vessel;
- (b) a trigger assembly comprising a dip tube extending inside said vessel;
- (c) a bung provided with an aperture therethrough, said bung being arranged in sealing position between said trigger assembly and said vessel, said aperture being adapted to be in fluid communication with said dip tube, said bung being so arranged that:
 - (i) said collar of said vessel sealingly engages with said bung,
 - (ii) said vessel is substantially sealed to said trigger assembly, and
 - (iii) the ingress of air into said vessel is substantially inhibited;

said bung and trigger assembly being arranged such that said trigger assembly is operable to dispense liquid from said vessel while said bung is in a sealing position; and

- (d) a support container provided with a support neck defining an opening for locating said trigger assembly, said support neck being configured to cooperate in sealing engagement with said vessel, wherein said collar has an annular lip resting upon said support neck of said support container, said support container further comprising a vent permitting air inside said support container, but externally of said vessel, to exist at ambient atmospheric pressure, the vessel being substantially cylindrical and having a closed, convex bottom, the vessel comprising two sheets of plastic material, a seam being provided between the two sheets of plastic material.”

Claim 41 has been amended to:

“A kit for forming a spray dispenser assembly, the kit comprising a collapsible liquid impermeable vessel for use in a spray dispenser assembly, a pump dispenser trigger assembly for extracting liquid from said vessel and dispensing said liquid as a spray, a seal element able to sealing engage with said vessel and said pump dispenser trigger assembly, and support means for said vessel,

said vessel having an open end comprising a neck portion provided with a collar that is more rigid than said vessel, the vessel being substantially cylindrical and having a closed, convex bottom, the vessel comprising two sheets of plastic material, a seam being provided between the two sheets of plastic material;

said trigger assembly comprising a dip tube

said collar being adapted to sealingly engage with said seal element provided between said pump dispenser trigger assembly of said spray dispenser assembly and said vessel;

said sealing means having a bore therein adapted to sealingly engage with the dip tube of said trigger assembly, and said support means being in the form of a support container.”

Claims 40 and 41 as amended correspond to claims 40 and 41 as filed, but with clarification including the vessel being substantially cylindrical and having a closed, convex bottom, the vessel comprising two sheets of plastic material, a seam being provided between the two sheets of plastic material.

The term “extraction means” has been replaced by the term “a pump dispenser trigger assembly”. The term “seal means” has been replaced by the term “seal element”. The reference to the bung in this claim has been deleted. Basis for these terms may be found in the application as filed.

The word “conventional” has been deleted from claim 41.

Claim 42 has been amended to:

“A method of manufacturing a collapsible liquid impermeable vessel for use in a spray dispenser assembly,

said vessel having an open end comprising a neck portion provided with a collar that is more rigid than said vessel;

said collar being adapted to sealingly engage with a seal element provided between a dispensing mechanism of said spray dispenser assembly and said vessel,

the method of manufacturing said vessel comprising a step of welding two sheets of plastic material together,

wherein the collar is inserted into said neck portion and welded around the full collar circumference and wherein said welding of the collar is performed a plurality of times by a welding apparatus, the orientation of said collar and neck portion in said welding apparatus being

changed between each welding process so that a complete and secure circumferential weld is formed.”

This corresponds to a combination of claims 42 and 43 as filed.

Basis for new claim 44 can be found in claim 30 as filed.

The term “extraction means” has been replaced by the term “dispensing mechanism” and the term “seal means” has been replaced by the term “seal element”. Basis for these amendments may be found in the application as filed.

Claim 41 was rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. The Office Action stated that “conventional pump dispenser trigger” rendered the claim indefinite. The term has been changed and Applicant asserts that the rejection has been overcome.

Claims 24-27 and 31-41 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Kock et al. The liquid impermeable vessel of Kock is made by a molding technique (pressblowing) to produce a single piece, integral vessel (see, for example, col. 10, line 47 to column 12, line 6). Thus, the vessel does not comprise two sheets of plastic material with a seam therebetween, as is recited in claims 24, 40 and 41. As all elements of these claims are not found in Kock et al., Applicant asserts that a prima facie case of anticipation has not been established. Applicant asserts that the present invention provides advantages, such as for example, ease of manufacture that is not possible in the prior art. Applicant asserts that claims 24, 40 and 41 and dependent claims 25-27 and 31-39 patentably distinguish over Kock et al. Applicant requests that the rejection under 35 U.S.C. Section 102(b) as being anticipated by Kock et al. be withdrawn.

Claims 42-43 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Jouillat. The liquid impermeable vessel of Jouillat is made by pinching and welding the end of a tube to form a straight bottom (see, for example, col. 1, line 13 to col. 2, line 13). Thus, the vessel is not made by welding two sheets of material together. Furthermore, claim 42 requires that welding of the collar is performed a plurality of times by a welding apparatus, the orientation of said collar and neck portion in said welding apparatus being changed between each

welding process so that a complete and secure circumferential weld is formed. Jouillat mentions at col. 3, lines 54 and 55 and col. 5, lines 45 to 50 that the collar may be attached to the vessel by welding. However, there is no mention in Jouillat that welding of the collar is performed a plurality of times by a welding apparatus, nor that the orientation of said collar and neck portion in said welding apparatus is changed between each welding process so that a complete and secure circumferential weld is formed. Moreover, new claim 44 is also believed to be allowable for the same reasons as well advantages provided by the recited advantageous neck and collar structure, which is neither shown nor suggested by Jouillat.

Claims 24 and 28-30 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Kock et al. in view of Jouillat. Starting from Kock, a person skilled in the art would not arrive at the subject matter of claims 24 and 28-30 without inventive effort. Kock teaches that the liquid impermeable vessel should be **integrally** formed (emphasis added). This effectively teaches away from the subject matter of claims 24, which recites the vessel comprises two sheets separated by a seam. In this regard, please refer to the statements at col. 1, lines 51 to 56 and col. 1, lines 60 to 67 of Kock et al., which clearly indicate that it is undesirable to form the vessel from separate pieces and that it is undesirable to weld together individual parts of the vessel. Hence, Kock teaches away from the present invention, and claims 24 and 28-30 are inventive over Kock et al.

Jouillat fails to overcome the shortcomings of Kock et al. The liquid impermeable vessel of Jouillat (tube 20) is made by pinching and welding the end of a tube to form a straight bottom (see, for example, col. 1, line 13 to col. 2, line 13). The vessel is a tube as is clearly indicated at col. 3, lines 13 to 26, and therefore does not comprise two sheets of material with a seam between the two sheets, as is recited in claim 24. Furthermore, the vessel of Jouillat does not comprise a convex bottom as recited in claim 24 and provides greater strength and rigidity.

The subject matter of claims 24 and 28-30 is not obvious over Kock in the light of Jouillat. Kock teaches away from the use of vessels like that disclosed in Jouillat. For example, Kock teaches that it is undesirable to use inner receptacles or vessels made of separate and distinct components (col. 1, lines 51 to 56). In particular, Kock teaches that it is undesirable to

weld individual parts of the vessel (see col. 1, lines 60 to 67). Given the teaching of Kock, a skilled person would not, therefore, seek to replace the vessel of Kock with that of Jouillat because Kock specifically teaches away from the type of vessel disclosed in Jouillat.

Without prejudice to the above argument, even in the event that a skilled person was to replace the vessel of Kock with that of Jouillat, this combination does not lead to the subject matter of claims 24 and 28-30. In particular, Jouillat teaches neither a vessel comprising two sheets of material with a seam between the two sheets nor a vessel comprising a convex bottom.

Applicant therefore asserts that claim 24 and dependent claims 28-30 are inventive over Kock in light of Jouillat. Moreover, Applicant asserts that independent claims 40 and 41 also patentably distinguish over the combination of Kock et al. and Jouillat for similar reasons. Applicant asserts that the claims patentably distinguish over Kock et al., Jouillat and any other prior art or combination thereof. Applicant requests that the rejections be withdrawn.

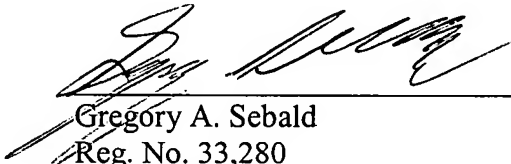
In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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